

AMENDED IN ASSEMBLY APRIL 29, 2003

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 948

Introduced by Assembly Member Nunez

February 20, 2003

An act to add Section 2115 to the Business and Professions Code, relating to physicians and surgeons.

LEGISLATIVE COUNSEL'S DIGEST

AB 948, as amended, Nunez. Postgraduate study fellowship program.

Existing law, the Medical Practice Act, provides for the licensure, regulation, and discipline of physicians and surgeons by the Medical Board of California. Existing law requires the Division of Licensing of the board to approve undergraduate and graduate medical education programs, clinical clerkships, and special programs.

This bill would authorize a physician who is not a United States citizen but who is legally in this country and who is seeking postgraduate study to participate, after approval by the division, in a fellowship program in a specialty or subspecialty field in a clinic or hospital in a medically underserved area of the state. The bill would require these physicians and surgeons to be supervised by a physician and surgeon who is a specialist in the area in which the fellow is training and who has an appointment with a medical school in the state.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 2115 is added to the Business and Professions Code, to read:

2115. (a) Physicians who are not citizens but are legally admitted to the United States and who seek postgraduate study; may, after application to and approval by the Division of Licensing, be permitted to participate in a fellowship program in a specialty or subspecialty field, providing the fellowship program is given in a clinic or hospital in a medically underserved area of this state that is licensed by the State Department of Health Services or *is* exempt from licensure pursuant to subdivision (b) or (c) of Section 1206 of the Health and Safety Code, and providing service is satisfactory to the division. These physicians shall at all times be under the direction and supervision of a licensed, board certified physician and surgeon who has an appointment with a medical school in California and is a specialist in the field in which the fellow is to be trained. The supervisor, as part of the application process, shall submit his or her curriculum vitae and a protocol of the fellowship program to be completed by the foreign fellow. Approval of the program and supervisor is for a period of one year, but may be renewed annually upon application to and approval by the division. The approval may not be renewed more than four times. The division may determine a fee, based on the cost of operating this program, which shall be paid by the applicant at the time the application is filed.

(b) Except to the extent authorized by this section, no visiting physician may engage in the practice of medicine or receive compensation therefor. The time spent under appointment in a clinic pursuant to this section may not be used to meet the requirements for licensure under Section 2102.

(c) Nothing in this section shall preclude any United States citizen who has received his or her medical degree from a medical school located in a foreign country from participating in any program established pursuant to this section.

(d) For purposes of this section, a medically underserved area means a federally designated Medically Underserved Area, a

- 1 federally designated Health Professional Shortage Area, and any
- 2 other area determined by the board to be medically underserved.

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